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**Federal Communications Commission**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
International Church of the Foursquare Gospel	)	
	)	File No.: EB-FIELDWR-14-00014596
Registrant of Antenna Structure No. 1012525	)	
	)	NOV No.: V201432900018
Los Angeles, California	)	

**NOTICE OF VIOLATION**

**Released:** April 10, 2014

By the District Director, Los Angeles Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to International Church of the Foursquare Gospel (Foursquare), registrant of Antenna Structure No. 1012525 in Los Angeles, California. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.<sup>2</sup>

2. Acting on a complaint from the Los Angeles Police Department Air Support Division concerning a tower with observed extinguishment of its obstruction lights, on March 19, 2014, an agent of the Enforcement Bureau's Los Angeles Office inspected Antenna Structure No. 1012525 located at 1050 Montecito Drive, Los Angeles, California, and observed the following violations:

- a. 47 C.F.R. § 17.51(a): "All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified." At the time of the inspection, the agent observed no flashing red obstruction lighting or any functioning lighting on the antenna structure.
- b. 47 C.F.R. § 17.48: "The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part: (a) Shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes. Such reports shall set forth the condition of the light or lights, the circumstances which caused the failure, the probable date for restoration of service, the FCC Antenna Structure Registration Number, the height of the structure (AGL and AMSL if known) and the name, title, address, and telephone number of the person making the report..." At the time the agent reported the antenna tower light outage to the FAA and initiated the issuance of a Notice to Airmen (NOTAMS), the FAA advised that there had been no other current light outage reports and/or NOTAMS issued for the subject antenna structure. At the time of inspection, the agent observed that the tower was completely dark and had no functioning antenna tower lights.

- c. 47 C.F.R. § 17.47(a): "(1) The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part: Shall make an observation of the antenna structure's lights at least once each 24 hours either visually or by observing an automatic properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively, (2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and provide indication of such failure to the owner." During the interview with the agent on March 25, 2014, a representative of Foursquare stated they did not observe the tower lights regularly and did not have any record of tower light observations.
- d. 47 C.F.R. § 17.49: "The owner of each antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part must maintain a record of any observed or otherwise known extinguishment or improper functioning of a structure light and include the following information for each such event: (a) The nature of such extinguishment or improper functioning. (b) The date and time the extinguishment or improper operation was observed or otherwise noted. (c) Date and time of FAA notification, if applicable. (d) The date, time and nature of adjustments, repairs, or replacements made." During the interview with the agent on March 25, 2014, a representative of Foursquare stated that they were aware of the tower light extinguishment but provided no record of the light extinguishment.
- e. 47 C.F.R. § 17.57: "The owner of an antenna structure for which an Antenna Structure Registration Number has been obtained must notify the Commission within 24 hours of completion of construction (FCC Form 854-R) and/or dismantlement (FCC Form 854). The owner must also immediately notify the Commission using FCC Form 854 upon any change in structure height or change in ownership information." At the time of the inspection,

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the FCC's antenna structure registration database did not list the correct contact telephone number nor contact name for the registrant.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Additionally, we request the following information be provided: (1) how are the tower lights monitored pursuant to Section 17.47 of the Commission's Rules, (2) the last date when the obstruction lighting on antenna structure 1012525 was known to be operational and how that determination was made, including providing records of observed or otherwise known extinguishments or improper functioning of structure lights pursuant to Section 17.49 of the Rules and (3) the current status of the lights on antenna structure 1012525 and if not yet fully restored, provide a timeframe as to when the repairs are expected to be completed.

4. Therefore, Foursquare must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

5. In accordance with Section 1.16 of the Rules, we direct Foursquare to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Foursquare with personal knowledge of the representations provided in Foursquare's response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

6. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

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<sup>3</sup> 47 U.S.C. § 403.

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

## **Federal Communications Commission**

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Federal Communications Commission  
Los Angeles Office  
18000 Studebaker Road, Suite 660  
Cerritos, CA 90703

7. This Notice shall be sent to International Church of the Foursquare Gospel at its address of record.

8. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Charles A. Cooper  
District Director  
Los Angeles Office  
Western Region  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).